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SUPREME COURT OF THE UNITED STATES

JAMES EDWARD PRICE v. UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 01-10940. Decided January 21, 2003

JUSTICE KENNEDY, dissenting.

For the reasons JUSTICE SCALIA explains in his dissent from today's judgment, *ante*, at 6–7, in my view, our holding in *United States* v. *LaBonte*, 520 U. S. 751 (1997), has no bearing upon the question whether the petitioner received ineffective assistance of counsel and does not suggest a result different from that reached by the Court of Appeals. For this reason, I too dissent from the judgment of the Court and would deny the petition for certiorari.